IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 4303 of 2004(K)

PETITIONER:

K.J.LUCY, AGED 52 YEARS,
W/O. M.L.THOMAS UPPER PRIMARY SCHOOL
ASSISTANT ST.THOMAS HIGH SCHOOL, THIROOR
THRISSUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.E.S.ASHRAF

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DISTRICT EDUCATIONAL OFFICER, THRISSUR.

3. THE HEADMASTER, ST.THOMAS HIGH SCHOOL, THIROOR, THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 4303/2004 K

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE FORM OF OPTION DT. 16/4/99.

EXT.P2. COPY OF THE STATEMENT OF FIXATION OF PAY.

EXT.P3. COPY OF THE FORM OF EXERCISING OPTION DT. 16/4/99.

EXT.P4. COPY OF THE STATEMENT OF FIXATION OF PAY DT. 16/4/99.

EXT.P5. COPY OF THE ORDER NO.B3/6478/99 OF THE R2 DT. 26/3/00.

EXT.P6. COPY OF THE LETTER NO. 65419/PRC/C1/94/FIN DT. 25/10/94 OF THE GOVT.

EXT.P7. COPY OF THE LETTER NO. 72339/PRU-1/95/FIN OF THE GOVT. DT. 26/12/95.

EXT.P8. COPY OF THE FORM OF OPTION DTD. 28/4/03.

EXT.P9. COPY OF THE STATEMENT OF FIXATION OF PAY.

EXT.P10. COPY OF THE ORDER NO. B2/7034/03 OF THE R2 DT. 11/12/03.

EXT.P11. COPY OF THE GO P NO. 206/2003/FIN OF THE GOVT. DT. 5/4/03.

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

KURIAN JOSEPH J.

W.P.(C) No.4303 of 2004

Dated 9th August, 2007.

J U D G M E N T

The issue whether an incumbent making re-option is entitled to have the effect of re-option from the date of option as exercised by the incumbent, is covered in favour of the petitioner by the Bench decision of this Court in **State of Kerala v. Lissy Joseph (**2005(4) KLT SN Case No.97), wherein it has been held that it is the date of effect of reoption and not the effect of exercise of reoption that is material. The impugned orders are quashed. If any benefits are withheld on that count, the same shall be disbursed expeditiously.

2. Learned Government Pleader submits that the State has already approached the Supreme Court against the decision referred to above. Parties agree that they shall be bound by the outcome of the decision by the Supreme Court in the pending case.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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